

01-11-07

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From-Honigman, Miller, Schwartz, Cohn

248 566 8310

T-229 P.007/009 F-869

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Application No. 10/558,353  
Reply to Office Action of October 11, 2006

Docket No.: 209546-99679

JAN 11 2007

REMARKS

Claims 10-30 were pending in this application. In this paper, claims 10, 12, 18, 19, 21, 23, 24, 27, and 30 are amended and claims 11, 15, 17, 22, and 25-26 are canceled. New claim 31 is added. As such, claims 10, 12-14, 16, 18-21, 23-24, and 27-31 are currently pending upon entry of this amendment. Favorable reconsideration is respectfully requested in light of the foregoing amendments and the following remarks.

Formal Matters

Applicant thanks Examiner Morrow for providing the indication that claims 17-19 and 26-29 contain allowable subject matter if amended to include the limitations of the base claim and any intervening claims.

35 USC § 112

A. The Office action rejected claims 12, 14, 20, 23, and 24 under 35 U.S.C. §112, first paragraph as failing to comply with the enablement requirement. The Office Action contends that the mechanism for automatically moving the hook assembly in response to movement of the door is not disclosed. Applicant respectfully disagrees.

Referring to page 3, paragraph [0013] of the originally-filed specification, it is stated that "*the garment hook assembly 10 is pivotally attached with the recess 18 of the inner panel 14 of the vehicle 12. The pivotal attachment allows for the base portion 26 of the garment hook assembly 10 to automatically rotate between a raised position, as shown in phantom in Figure 1, and a lowered position, shown in solid in Figure 1*" (emphasis added).

1. Claim 13 recites "wherein said garment hook assembly is pivotally mounted to said closure panel." Claim 14 depends from claim 13 and recites "wherein said garment hook assembly is automatically moved from said first position to said second position." As such, it is respectfully submitted that claims 13 and 14 are supported by the originally-filed specification at page 3, paragraph [0013]. Withdrawal of the rejection to claims 13 and 14 is respectfully requested.

2. Claims 20, 23, and 24 do not specifically recite, per se, a limitation directed towards 'automatic movement' as alluded to by the Office Action. However, if the Office Action believes that such meaning is inherently read into the limitation of claims 20, 23, and 24, Applicant points to page 3, paragraph [0013] of the originally-filed

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specification for support. As such, it is respectfully submitted that claims 20, 23, and 24 are supported by the originally-filed specification. Withdrawal of the rejection to claims 20, 23, and 24 is respectfully requested.

B. The Office action rejected claims 12-14 and 17-19 under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In light of the amendments to the claims and the following remarks, the rejection is respectfully traversed.

1. Per the Office Action's suggestion, claim 12 has been amended to positively recite the liftgate. Withdrawal of the rejection to claim 12 is respectfully requested.

2. Claim 17 was objected to as containing allowable subject matter. The limitations of claim 17 and intervening claims 11 and 15 have been incorporated into base claim 10. As such, claim 17 has been cancelled, rendering the rejection moot. Withdrawal of the rejection to claim 17 is respectfully requested.

#### 35 USC § 102(b)

The Office action rejected claims 10-16, 20-25, and 30 under 35 U.S.C. §102(b) over Leach (U.S. Patent No. 2,609,104). In light of the amendments to the claims and the following remarks, the rejection is respectfully traversed.

Applicant respectfully submits that former base claims 10 and 21 were allowable in view of the teachings of the applied prior art. However, to advance prosecution of the patent application, Applicant substantially incorporates the subject matter of objected claims and intervening claims into the base claims.

Base claim 10 has been amended to include the patentably distinct limitations of rejected claim 17 and intervening claims 11 and 15. Claims 12-14, 16, 18-20 depend directly or indirectly from base claim 10 and therefore include patentably-distinct limitations. Allowance of claims 10, 12-14, 16, and 18-20 is earnestly solicited.

Base claim 21 has been amended to include the limitations of objected claim 26 and intervening claims 22 and 25. Claims 23-24 and 27-30 depend directly or indirectly from base claim 21 and therefore include patentably-distinct limitations. Allowance of claims 21, 23-24, and 27-30 is earnestly solicited.

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New claim 31 has been added include the patentable distinct limitations of objected claim 27 and intervening claims 22 and 25.

Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-3145, under Order No. 209546-99679 from which the undersigned is authorized to draw.

Dated:

1/11/2007

Respectfully submitted,

By \_\_\_\_\_

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